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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/679,068	10/05/2000	Takashi Shimada	1614-1084	9496

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WASHINGTON, DC 20005

EXAMINER
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MEINECKE DIAZ, SUSANNA M

ART UNIT	PAPER NUMBER
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3623

DATE MAILED: 01/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/679,068

Applicant(s)

SHIMADA ET AL.

Examiner

Susanna M. Diaz

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) 18-24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This Final Office action is responsive to Applicant's amendment filed November 24, 2003.

Claims 1, 8, and 15-17 have been amended.

Claims 18-24 have been added; however, they are directed toward a different invention and are therefore withdrawn from consideration.

Claims 1-17 are presented for examination.

2. Newly submitted claims 18-24 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Claims 1-17 and 18-24 are related as subcombination-combination, respectively. Claims 1-17 are directed toward a protocol conversion module that is specific to processing business support data, such as service information requests including sales campaign data, and therefore can be used to perform marketing campaigns. Claims 18-24 is directed toward a data processing system, but they do not require the details of a protocol conversion module that is specific to processing business support data, such as service information requests including sales campaign data.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 18-24 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03. Please note that claim 19 is recited as being dependent from claim 1; however,

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it recites "the data processing system of claim 1." Claim 1 is directed toward a "business support system." Independent claim 18 is directed toward a "data processing system"; therefore, claim 19 is interpreted as being dependent from claim 18 instead of claim 1.

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 1-17 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Filepp et al. (U.S. Patent No. 5,758,072).

Filepp discloses a business support system comprising:

[Claim 1] service request production means for producing service information request data, in a predetermined form for one of a plurality of external processing systems that are external to the business support system and that have different protocols, in response to a request of a user from a terminal apparatus used by the user (Fig. 2; col. 5, lines 1-6; col. 7, lines 8-18; col. 9, lines 5-10; col. 34, line 65 through col.

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35, line 6; col. 35, lines 22-25; col. 71, lines 36-44 -- The Microsoft Press® Computer Dictionary (3<sup>rd</sup> ed) defines a “gateway” as follows: “A device that connects networks using different communications protocols so that information can be passed from one to the other. A gateway both transfers information and converts it to a form compatible with the protocols used by the receiving network.”);

data form conversion means for converting the forms of the service information request data produced by the service request production means into a form that can be processed by the external processing system and also for converting service information provided from the external processing system in response to the service information request data into the predetermined form (Fig. 2; col. 5, lines 1-6; col. 7, lines 8-18; col. 9, lines 5-10; col. 34, line 65 through col. 35, line 6; col. 35, lines 22-25; col. 71, lines 36-44 -- The Microsoft Press® Computer Dictionary (3<sup>rd</sup> ed) defines a “gateway” as follows: “A device that connects networks using different communications protocols so that information can be passed from one to the other. A gateway both transfers information and converts it to a form compatible with the protocols used by the receiving network.”); and

service information providing means for providing the service information converted into the predetermined form by the data form conversion means to the terminal apparatus originating the request for the service information (Fig. 2; col. 5, lines 1-6; col. 7, lines 8-18; col. 9, lines 5-10; col. 34, line 65 through col. 35, line 6; col. 35, lines 22-25; col. 71, lines 36-44 -- The Microsoft Press® Computer Dictionary (3<sup>rd</sup> ed) defines a “gateway” as follows: “A device that connects networks using different

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communications protocols so that information can be passed from one to the other. A gateway both transfers information and converts it to a form compatible with the protocols used by the receiving network.”);

[Claim 4]     adjusting means that ensures that no one providing means for providing service information determined by the service channel determining means is overloaded (col. 9, line 56 through col. 10, line 24);

[Claim 6]     data management means for managing the service information converted into the predetermined form by the data form conversion means (col. 80, line 21 through col. 84, line 67); and

             determining means for determining whether or not the service information is updated by accessing the external processing system (col. 80, line 21 through col. 84, line 67);

             wherein said service information providing means provides the service information converted into the predetermined form by the data form conversion means from the data management means to the terminal apparatus, based on a determination by the determining means (col. 80, line 21 through col. 84, line 67);

[Claim 7]     accessing means accessing the external processing system to sending the service information request data converted into the form that can be processed by the external processing system so as to obtain the service information in respect to the service information request data, when the determining means determines that the service information is not updated (col. 80, line 21 through col. 84, line 67),

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wherein the service information obtained from the external processing system is converted into the predetermined form by the data form conversion means, managed by the data management means, and provided to the terminal apparatus by the service information providing means (col. 80, line 21 through col. 84, line 67).

As per claims 1 and 5, Filepp discloses different communication means comprising computer terminals, cable television, broadcast media, and communication managers that can create a dial-up link on the public switched telephone network (col. 5, lines 1-6; col. 89, lines 25-36); however, Filepp does not explicitly teach the use of a telephone *per se* or a facsimile machine. Filepp does teach a gateway, which as stated above, inherently "connects networks using different communications protocols so that information can be passed from one to the other." Official Notice is taken that it was old and well-known in the art at the time of Applicant's invention to communicate information to telephones, facsimile machines, and computer terminals. The versatility of being able to communicate with multiple types of communications means allows one to communicate with a larger group of people. Since Filepp targets advertisements to users, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to adapt Filepp's gateway to transmit information, such as advertisements, to users of telephones, facsimile machines, and computer terminals in order to reach a wider audience when transmitting advertisements.

As per claims 2 and 3, Filepp provides various types of service information, including ads that are customized based on a user's demographics (col. 9, lines 23-43). Filepp even utilizes "conventional marketing analysis techniques" to assist in this targeting of ads (col. 9, lines 39-43), yet Filepp fails to explicitly disclose a sales campaign monitoring means for monitoring the effectiveness of a sales campaign based on the service information provided to the customers, service information determining means for deciding which type of service information should be provided to customers depending on the effectiveness of the monitored sales campaign, and service channel determining means for determining a providing means for providing service information to the customer depending on the success rate of the monitored sales campaign. However, Official Notice is taken that it was old and well-known in the art of marketing at the time of Applicant's invention to evaluate the effectiveness of one's marketing campaign based on the service information provided to the customers and then decide which type of service information should be provided to customers depending on the effectiveness of the monitored sales campaign. A constant reevaluation of one's marketing campaign assists in ongoing improvement of the campaign especially in light of changing times and circumstances. Furthermore, Official Notice is taken that it was old and well-known in the art of marketing at the time of Applicant's invention to monitor a sales campaign in order to assess the most effective modes of communicating sales information (e.g., advertising) to potential customers. Again, a constant reevaluation of all aspects of one's marketing campaign assists in ongoing improvement of the campaign especially in light of changing times and circumstances. Therefore, the



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Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to implement with Filepp's targeted advertising functionality a sales campaign monitoring means for monitoring the effectiveness of a sales campaign based on the service information provided to the customers, service information determining means for deciding which type of service information should be provided to customers depending on the effectiveness of the monitored sales campaign, and service channel determining means for determining a providing means for providing service information to the customer depending on the success rate of the monitored sales campaign in order to facilitate a constant reevaluation of all aspects of Filepp's promotional marketing campaigns, thereby assisting in ongoing improvement of the campaign especially in light of changing times and circumstances.

[Claims 8-17]        Claims 8-17 recite limitations already addressed by the rejection of claims 1-7 above; therefore, the same rejection applies.

### ***Conclusion***

6.        Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susanna M. Diaz whose telephone number is (703) 305-1337. The examiner can normally be reached on Monday-Friday, 9 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (703) 305-9643.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (703)308-1113.

Any response to this action should be mailed to:

**Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450**


or faxed to:

**(703)305-7687** [Official communications; including  
After Final communications labeled  
"Box AF"]

**(703)746-7048** [Informal/Draft communications, labeled  
"PROPOSED" or "DRAFT"]

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Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 22202, 7<sup>th</sup> floor receptionist.

  
Susanna M. Diaz  
Primary Examiner  
Art Unit 3623  
January 7, 2004